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LEGAL DEPARTMENT

FAX NUMBERS (415) - 952-9881 OR (415) - 952-9882

DATE: April 28, 1998

Please deliver the following page(s) to:

NAME:

Examiner V. Ryan

FIRM: United States Patent and Trademark Office

NUMBER TRANSMITTING TO: (703) 308-4242

FROM: Jeffrey S. Kubinec, Reg. No. 36,575

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 18

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COMMENTS:

In re Application of: Cleland et al.
Ser. No. 08/846,933; Filed 30 April 1997
For: METHODS AND COMPOSITIONS FOR
MICROENCAPSULATION OF ANTIGENS FOR USE AS
VACCINES
Genentech Docket No. P0825BC3

Transmitted herewith are copies of the papers filed concurrent with the filing of the captioned application on April 30, 1997.

If you did not receive all of the pages, please call Janet Tse as soon as possible at (415) 225-2906, Legal Department.


APPROVED
RECEIVED
4-28-98

Attorney Docket No.: **P0825BC3**
PATENT

CERTIFICATION UNDER 37 CFR 1.10**TE 835479953**: Express Mail Number

April 30, 1997: Date of Deposit

I hereby certify that this Transmittal of Filing Under 37 CFR 1.60(b) and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.


Janet Tee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PRIOR APPLICATION Serial No. 08/447,291
PRIOR APPLICATION Examiner: V. Ryan
Art Unit: 1802

BOX PATENT APPLICATION
Assistant Commissioner of Patents
Washington, D.C. 20231

TRANSMITTAL OF FILING UNDER 37 CFR 1.60(b)

This is a request for filing a

 X continuation
 divisional

application under 37 CFR 1.60, of pending prior application Serial No. 08/447,291 filed on 22 May 1995

of **Jeffrey L. Cleland, Amy Lim, Michael F. Powell**

for **METHODS AND COMPOSITIONS FOR MICROENCAPSULATION OF ANTIGENS FOR USE AS VACCINES**

1. Copy of Prior Application as Filed Which is Attached

 X I hereby verify that the attached papers are a true copy of what is shown in my records to be the above-identified prior application, including the oath or declaration originally filed (37 CFR 1.60).

The copy of the papers of prior application as filed which are attached are as follows:

 64 pages of specification

 3 pages of claims

 1 page(s) of abstract

 14 sheet(s) of drawings

 2 pages of declaration and power of attorney

Page 2

(If the copy of the declaration being filed does not show applicant's signature, because the attorney's records do not contain a copy of the signed declaration actually filed for the application, indicate thereon that it was signed and complete the following:)

_____ in accordance with the indication required by 37 CFR 60(b), my records reflect that the original signed declaration showing applicant's signature was filed on

_____ the amendment referred to in the declaration filed to complete the prior application and I hereby state, in accordance with the requirements of 37 CFR 1.60(b), that this amendment did not introduce new matter therein.

2. Amendments

☒ Cancel in this application original claims 2, 3 and 10-22 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

3. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

_____ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File an Amendment (New Application Filed Concurrently).

4. A Letter to Draftsman with Proposed Drawing Correction Under 37 CFR §1.123 and MPEP §§608.02(Q) and (R) and Corrected Figures 5 and 6 are submitted herewith.

5. Fee Calculation (37 CFR 1.16)

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$ 770.00
Total Claims	12	- 22 =	0	X \$22.00	\$0.00
Independent Claims	1	- 4 =	0	X \$80.00	\$0.00
Multiple dependent claim(s), if any				+ 260.00	\$0.00
Filing Fee Calculation					\$770.00

6. Priority -- 35 U.S.C. 119

_____ Priority of application Serial No. filed on in is claimed under 35 U.S.C. 119.

_____ The certified copy has been filed on in prior U.S. application Serial No. , which prior application was filed on .

_____ certified copy will follow.

7. Relate Back -- 35 U.S.C. 120

 X Amend the specification by inserting before the first line the sentence:

--This is a

 X continuation
 divisional

of co-pending application(s)

 X Serial No. 08/447,291 filed on 22 May 1995, which is a continuation of Serial No. 08/365,986 filed on 28 December 1994, which is a continuation of Serial No. 08/143,555 filed on 25 October 1993, now abandoned, which applications are incorporated herein by reference and to which applications priority is claimed under 35 USC §120.--

 International Application filed on , which designated the U.S., and which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120.--

8. Inventorship Statement

[complete appropriate items (a) and (b) below]

(a) With respect to the prior copending U.S. application from which this application claims benefit under 35 USC 120 the inventor(s) in this application are:

 X the same
 less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

(b) The inventorship for all the claims in this application are

 X the same
 not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

9. Assignment

 X the prior application is assigned of record to GENENTECH, INC., recorded on 24 January 1994 at Reel 6830, Frame 0251.

 an assignment of the invention to is attached. (Attach with Recordation Form).

10. Fee Payment Being Made at This Time**ATTACHED**

<u> X </u> basic filing fee	\$ 770.00
<u> </u> recording assignment (\$40.00; 37 CFR 1.21(h))	\$
<u> </u> processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l))	\$

TOTAL FEE ENCLOSED: \$ 770.00

11. Method of Payment of Fees

☒ charge Account No. 07-0630 in the amount \$ 770.00
☒ A duplicate of this request is attached.

12. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR § 1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630.

13. Power of Attorney

The power of attorney in the prior application is to:

Walter E. Buting - Reg. No. 23,092
Ginger R. Dreger - Reg. No. 33,055
Janet E. Hasak - Reg. No. 28,616
Sean A. Johnston - Reg. No. 35,910
Jeffrey S. Kubinec - Reg. No. 36,575
Daryl B. Winter - Reg. No. 32,637

- a. ☒ The power appears in the original papers in the prior application.
b. ☐ The power does not appear in the original papers, but was filed on (copy enclosed).
c. ☐ A new power has been executed and is attached.
d. ☒ Address all future communications to:

GENENTECH, INC.
Attn: Jeffrey S. Kubinec
460 Point San Bruno Boulevard
South San Francisco, CA 94080-4990
(415) 225-8228

[Item d may only be completed by applicant or agent of record].

14. Maintenance of Copendency of Prior Application

[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]

- ☐ A petition, fee and response has been filed to extend the term in the pending prior application until
☒ A copy of the petition for extension of time in the *prior* application is attached.

15. Conditional Petitions for Extension of Time in Prior Application

- ☐ A conditional petition for extension of time is being filed in the pending prior application
☐ A copy of the conditional petition for extension of time in the *prior* application is attached.


16. Abandonment of Prior Application (if applicable)

- ☐ Please abandon the prior application at a time when the prior application is pending or when the petition for extension of time or to revive in that application is granted and when

Page 5

this application is granted a filing date so as to make this application copending with said prior application. At the same time please add the words "now abandoned" to the amendment to the specification set forth in 7. above.

Dated: April 30, 1997


Jeffrey S. Johnson
Reg. No. 66,575

GENENTECH, INC.
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(415) 225-8228

☐ Inventor
☐ Assignee of complete interest
☐ Person authorized to sign for assignee
☒ Attorney or agent of record
☐ Filed under rule 34(a)

Express Mail No. TB 835479953

Mailed April 30, 1997

Patent Docket P0825BC3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Jeffrey L. Cleland et al. Serial No.: To Be Assigned Filed: 30 April 1997 For: METHODS AND COMPOSITIONS FOR MICROENCAPSULATION OF ANTIGENS FOR USE AS VACCINES	Group Art Unit: To Be Assigned Examiner: To Be Assigned
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LETTER TO DRAFTSMAN WITH PROPOSED DRAWING CORRECTION
UNDER 37 C.F.R. §1.123 AND MPEP §§608.02(Q) AND (R)

Assistant Commissioner of Patents
Washington, D.C. 20231
Attention: Official Draftsman

Sir:

Pursuant to 37 CFR §1.123 and MPEP §§608.02(q) and (r), applicants hereby propose corrections to Figure 5 and Figure 6 as indicated on the enclosed sketches in permanent red ink. Figure 5, as originally filed is correctly Figure 6. Likewise, Figure 6 as originally filed is correctly Figure 5.

Applicants have recently become aware of an inadvertent reversal of the Figure designations in the above noted Figures. The proposed amendments to the drawing do not incorporate new matter into the specification as filed since the description of the Figures at page 9, lines 6-21 correctly describes the Figures. Additionally, it is clear from the Figures themselves and the written description at page 43, lines 4-6, i.e., "microspheres

page 2

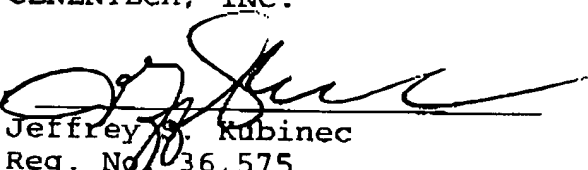
produced ... were cracked and broken after lyophilization (Figure 5)"; and at page 43, lines 15-17, i.e., "the microspheres were not broken or cracked ... (Figure 6)", that the proper designations of the Figures are as described in the instant amendment.

Therefore, applicants respectfully seek the approval of the Examiner in making the above noted corrections to the Figures.

This letter is submitted in duplicate in accordance with MPEP §608.02(q).

Respectfully submitted,
GENENTECH, INC.

Date: April 30, 1996

By 
Jeffrey S. Rubinec
Reg. No. 36,575

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In re Application of: Cleland et al.
Serial No.: To Be Assigned
Filed On: 30 April 1997
Mailed On: 30 April 1997

Docket No.: P0825BC3
By: Jeffrey S. Kubinec
Reg. No.: 38,575

LS

The following has been received in the U.S. Patent Office on the date stamped:

☒ U.S. Patent Application Transmittal (dup) (Rule 60) ☒ Filing Fee (\$770)
 64 Pages of Specification
 3 Pages of Claims
 1 Page(s) of Abstract
 14 Sheets of Drawings ☐ Formal ☒ Informal
☒ Declaration/Power of Atty
☒ Preliminary Amendment
☐ Assignment w/ Recordation Form and Fee (\$40.00)
☐ Information Disclosure Statement w/ PTO-1449 and ☐ References
☐ Sequence Listing w/ Diskette and Certificate re: Sequence Listing
☒ Certificate of Express Mailing Express Mail Label No.: TB 835479953
☒ Other: Copy of Associate Power of Attorney, Letter to Draftsman with Proposed Drawing
 Correction, corrected figures 5 and 6, copy of Extension of
 Time in Prior Application

66474 U.S. PTO
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04/30/97